

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK  
ROEDA S.,**

**Plaintiff,**

**1:20-cv-906  
(GLS/ATB)**

**v.**

**KILOLO KIJAKAZI, Acting  
Commissioner of Social Security,**

**Defendant.**

**APPEARANCES:**

**OF COUNSEL:**

**FOR THE PLAINTIFF:**

Law Office of Lewis B. Insler  
7 Woodbridge Park Drive  
Ashville, NC 28803

LEWIS B. INSLER, ESQ.

**FOR THE DEFENDANT:**

HON.CARLA B. FREEDMAN  
United States Attorney  
100 South Clinton Street  
Syracuse, NY 13261

CHRISTOPHER LEWIS POTTER  
Special Assistant U.S. Attorney

Michael Pelgro  
Regional Chief Counsel  
Office of General Counsel, Region I  
JFK Federal Building  
15 New Sudbury Street, Room 625  
Boston, MA 02203

**Gary L. Sharpe  
Senior District Judge**

**ORDER**

The above-captioned matter comes to this court following a Report and Recommendation (R&R) by Magistrate Judge Andrew T. Baxter duly filed

January 5, 2022. (Dkt. No. 15.) Following fourteen days from the service thereof, the Clerk has sent the file, including any and all objections filed by the parties herein.

No objections having been filed, and the court having reviewed the R&R for clear error, it is hereby

**ORDERED** that the Report and Recommendation (Dkt. No. 15) is **ADOPTED** in its entirety; and it is further

**ORDERED** that plaintiff's motion for judgment on the pleadings (Dkt. No. 11) is **DENIED**; and it is further

**ORDERED** that defendant's cross-motion for judgment on the pleadings (Dkt. No. 14) is **GRANTED**; and it is further

**ORDERED** that the decision of the Commissioner is **AFFIRMED**; and it is further

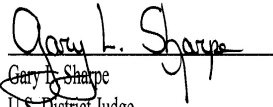
**ORDERED** that plaintiff's complaint (Dkt. No. 1) is **DISMISSED** in its entirety; and it is further

**ORDERED** that the clerk is directed to enter judgment and close this case; and it is further

**ORDERED** that the Clerk provide a copy of this Order to the parties in accordance with the Local Rules of Practice.

**IT IS SO ORDERED.**

January 26, 2022  
Albany, New York

  
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Gary L. Sharpe  
U.S. District Judge